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Summary of stakeholders' submissions on Tunisia*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 23 stakeholders' submissions[1] to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations[2] and cooperation with international human rights mechanisms and bodies[3]

2. JS9[4] and JS8[5] recommended ratifying the Second Protocol to the International Covenant on Civil and Political Rights and reviewing the anti-terrorism law and the Criminal Code, with a view to repealing the articles providing for capital punishment. JS8 also recommended that Tunisia continue to vote at the General Assembly in favour of a universal moratorium on executions.[6]

3. JS3 recommended the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural rights.[7]

4. The Carter Center (CC) recommended that Tunisia ratify the Protocol to the African Charter on Human and Peoples' rights on the rights of women in Africa (Maputo Protocol)

* The present document was not edited before being sent to United Nations translation services.

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and the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).[8]

5. JS9 recommended that Tunisia ratify the ILO Migration for Employment Convention (Revised), 1949 (No. 97) and Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and, with JS1,[9] it recommended that Tunisia ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.[10]

6. ADF recommended that Tunisia take steps to recognize international obligations to protect the right to freedom of thought, conscience, and religion; and to ensure that domestic protections of these rights meet international law standards, especially article 18 of the International Covenant on Civil and Political Rights.[11]

7. Alkarama recommended acceding to the individual complaint mechanism established under article 31 of the International Convention for the Protection of All Persons against Enforced Disappearance (ICCPED).[12]

8. JS4 recommended establishing the supremacy of international human rights conventions, to which Tunisia is a party, on national legislation and the direct applicability and justiciability of such conventions.[13]

9. JS5 said that the current state of emergency had given the Government the power to suspend all strikes, demonstrations and gatherings and to control and censor the press and broadcast media, along with other media and publications.[14] Amnesty International (AI) recommended ensuring that any derogation from Tunisia's international obligations are exceptional and temporary and limited to what is strictly required by the exigencies of the situation; and[4] protecting non-derogable rights such as the right to life, the prohibition of torture and other-ill-treatment and the principle of non-discrimination.[15]

10. JS6 made reference to the recommendations accepted by Tunisia during the second UPR cycle to combat impunity[16] and recommended improved implementation of these recommendations and harmonization of national legislation with relevant international standards.[17]

B. National human rights framework[18]

11. Human Rights Watch (HRW) indicated that on January 2014, the National Constituent Assembly adopted a new Constitution featuring protection for civil and political, as well as social, economic, and cultural rights in accordance with Universal Periodic Review Working Group (UPR WG) recommendations.[19] The Constitution envisages the creation of a Constitutional Court that can invalidate laws not in conformity with the Constitution including human rights standards affirmed therein. On December 2015, the Parliament adopted Act No.50 creating the Constitutional Court, but the Court has still to be put in place and its members appointed.[20] HRW recommended ensuring the quick establishment of the Constitutional Court; and expediting legislative overhaul of Tunisian laws that are inconsistent with the Constitution and international human rights standards.[21]

12. Observatoire des Droits et Libertés en Tunisie (ODLT) noted that the new Constitution enshrined civil, political, social, economic and cultural rights, including equality, the right to form political parties, physical integrity and freedom of movement, opinion, expression, assembly and association; the right not to be subjected to arbitrary arrest; the guarantee of a fair trial, the criminalization of torture without a statute of limitations and a guarantee of the right to political asylum. Article 19 noted that Tunisia had made considerable progress in the protection of the right to freedom of expression and

information, and freedom generally, with the promulgation of the new Constitution.[22] Privacy International (PI) noted that Tunisia had adopted a new Constitution in January 2014 with a large majority. In that document, article 24 consecrates the right to privacy, article 32 guarantees the right of access to information and article 128 establishes the Human Rights Commission, which oversees respect for human rights and conducts investigations into their violation.[23]

13. CC noted that the 2014 Constitution has no provision prohibiting racial discrimination and that there is no law criminalizing such behaviour.[24]

14. JS7 recommended a comprehensive national policy on the protection of women against all forms of violence and the creation of a supportive environment for women victims of violence by reviewing and strengthening the legal framework.[25]

15. AI recommended Tunisia to ensure national laws, including the Criminal Code and the Code of Criminal Procedures and comply with the Constitution and the country's international human rights obligations.[26]

16. CC noted that Tunisia had adopted a new electoral law that allowed, for the first time in the history of the country, the democratic and transparent election of a Parliament and a President of the Republic in 2014. Tunisia had also created the National Mechanism for the Prevention of Torture whose members were elected by the Assembly of the Representatives of the People.[27]

17. Alkarama indicated that article 128 of the new Constitution established a new national human rights institution (NHRI) whose members are elected by the Parliament. The authorities announced that a draft law was being prepared to ensure its full compliance with the Paris Principles.[28]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross cutting issues

Equality and non-discrimination[29]

18. CC indicated that the persistence of discrimination against the black population of Tunisia is a significant challenge to the development of a just society. Discrimination in the workplace, government institutions, and housing market prevent racial minorities from freely exercising their constitutionally guaranteed rights.[30] JS3 stated that black Tunisian citizens are subjected to discrimination and to a range of abuses by the State and individuals (physical and verbal attacks, and deliberate exclusion in many areas), as well as racist statements in public media without accountability.[31] JS3 recommended enacting a law criminalizing racial discrimination in all fields in line with international standards.[32]

19. JS1 said that, under article 21 of the new Constitution of January 2014, men and women were equal before the law in rights and duties, without discrimination.[33] Despite that, there was much discrimination against women, children, young people, persons with disabilities, lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI) persons and persons living with HIV in both law and practice, which constituted an obstacle to the full enjoyment of sexual and reproductive rights.[34] JS1 recommended the adoption of a law against all forms of discrimination in respect of sexual and reproductive rights and the establishment of a follow-up mechanism.[35]

20. JS2 noted that LGBTQI people continued to endure every day all forms of stigma, discrimination and violence.[36] JS2 recommended enacting a law criminalizing all forms of

discrimination as well as incitement to hatred and violence against LGBTQI people; and recognizing hate crimes against LGBTQI people as aggravating circumstances for judgments.[37] JS10 indicated that LGBTI organizations had been subject to various forms of harassment, including judicial harassment.[38]

21. JS2[39] and HRW[40] noted that Tunisia had not acceded to two recommendations[41] in its last UPR, which requested the removal of laws that criminalize sexual activity between consenting adults of the same sex. The Tunisian Government mainly uses Article 230 of the Criminal Code condemning male and female homosexuality with a sentence of up to 3 years of imprisonment.[42] AI,[43] JS5[44] and Shams Association (SA)[45] made similar remarks. JS2 recommended Tunisia to immediately repeal Article 230; harmonize the Criminal Code and the procedural penal code with the Constitution of 2014 and the various treaties and conventions ratified by Tunisia; grant all citizens access to justice without discrimination, including that based on sexual orientation and gender identity.[46] HRW made a similar recommendation.[47] AI recommended immediately and unconditionally release anyone detained because of their actual or perceived sexual orientation or gender identity.[48] JS6 recommended decriminalizing homosexuality through amendments to Article 230 and other legislation that contradicts Articles 21, 23 and 24 of the Constitution, and introducing additional protections for LGTBI people from discrimination, violence, torture, and ill-treatment.[49]

22. SA recommended the repeal of provisions criminalizing sex and prostitution and the halt to State interference in citizens' private life.[50] JS7 recommended reviewing legislation relating to the sex trade; reducing the stigmatization of, discrimination against and harassment of female sex workers; and providing female sex workers with social security and the right to property and retirement.[51]

Development, environment and business and human rights[52]

23. JS1 recommended that Tunisia finalize the national indicators relating to sexual and reproductive health as part of Sustainable Development Goal 5 with a view to meeting the needs of the population in that regard, so as to ensure universal access to a full range of health services and reliable family planning methods by 2030.[53]

Human rights and counter-terrorism

24. Reporters Sans Frontières (RSF) indicated that in the past five years, a series of legislative texts have improved the protection of freedom of information in Tunisia, but that considerable pressure is put on journalists on the grounds of the need to combat terrorism. In November 2015, the Ministry of Justice issued a statement calling on the public prosecutor to use the new anti-terrorism law and article 23 of the penal code to prosecute any person who divulges information related to the fight against terrorism.[54]

25. Article 19 said that articles 5, 13 and 31 of Organic Act No. 26-2015 against terrorism and money laundering contained rather vague definitions of terrorism and other offences, in particular the offence of vindication of terrorism, which could give rise to prosecutions in cases that had, in fact, nothing to do with combating terrorism.[55] JS8 noted that, in the context of several successive terrorist attacks, the Tunisian Parliament had adopted the new law against terrorism, which introduced the death penalty, by a very large majority. The death penalty had not featured in the previous law against terrorism of 2003.[56]

26. PI noted that Act No. 26 on the fight against terrorism provides a broad definition of terrorist offences and other provisions, which would permit abuse of the right to privacy and other fundamental rights.[57] PI recommended that Tunisia review the anti-terrorism law

and ensure its compliance with international human rights law, including the right to privacy.[58]

27. HRW indicated that at least 139 Tunisians since November 2015 have been confined without charge pursuant to indefinite house arrest orders that the police deliver orally, providing no document that can enable the affected person to mount a court challenge. HRW recommended amending the counterterrorism law so as to clearly define acts of terrorism in conformity with international standards and ensure that all persons detained in cases of terrorism are charged promptly in accordance with international standards.[59]

28. JS10 noted that following a terrorist attack in July 2014, the Government sent suspension notices to more than 150 associations suspected of allegedly having ties to terrorists, in contravention of judicial safeguards of decree-law 2011-88.[60]

2. Civil and Political Rights

Right to life, liberty and security of the person[61]

29. JS3[62] and JS5[63] noted that the 2014 Constitution did not abolish the death penalty, which is enshrined in the Code of Criminal Procedure. However, Tunisia has not carried out any executions since 1991. JS8 noted that, in Tunisia, 135 persons condemned to death had been executed since the country's independence, between 1956 and 1991. The death penalty had served as an instrument to entrench the authority of the State, since nearly half of the sentences carried out had been on political grounds. Since 9 October 1991, Tunisia had observed a de facto moratorium on executions, but the moratorium had never been formalized in law. On 14 January 2012, 125 persons condemned to death had been granted a special pardon by President Moncef Marzouki a month after his election. Their sentences had been commuted to life imprisonment.[64]

30. AI regretted that Tunisia failed to support recommendations to abolish the death penalty. While there continues to be a moratorium on executions, Tunisia has introduced new laws that prescribe the death penalty for various offences.[65] AI recommended Tunisia to abolish the death penalty.[66]

31. JS6 regretted the decision of Tunisia to note recommendations calling for the elimination of the death penalty during the second UPR cycle[67] and recommended that Tunisia improve implementation of accepted recommendations,[68] including those calling for the elimination of torture, cruel and inhuman or degrading treatment,[69] in part by ratifying the OP2-ICCPR and amending Article 101 of the Criminal Code.[70]

32. Alkarama indicated that the National Constituent Assembly passed Organic Act No. 43/2013 establishing the National Authority for the Prevention of Torture (NAPT) on 23 October 2013 and elected its 16 members on 30 March 2016. Alkarama noted that, according to Article 13 of Law No 43/2013, authorities may refuse to schedule NAPT visits "for urgent and compelling grounds of national defence, public safety, natural disaster or serious disorder". Alkarama recommended removing the restrictions contained in Organic Act No. 43/2013 in order to give NAPT full and uninterrupted access to all places of detention. Alkarama recommended Tunisia to guarantee the independence of NAPT and allocate the necessary resources to this end.[71] JS3[72] and HRW[73] recommended supporting NAPT and enabling means necessary for the proper conduct and carry out of the tasks entrusted with it.

33. AI stated that the use of torture and other ill-treatment is prevalent in Tunisia, especially in pre-charge detention.[74] ODTL noted a remarkable increase in torture cases, in particular in the framework of the fight against terrorism.[75] AI[76] and HRW[77] stated that the definition of torture in Tunisian law continues to be inconsistent with international standards and in some instances continues to be subject to a statute of limitation. AI

recommended Tunisia to bring the definition of torture in Article 101bis of the Criminal Code in line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and remove any reference in national legislation to a statute of limitation for the crime of torture.[78] HRW made similar recommendations.[79]

34. ODTL pointed out that there was no government programme for the rehabilitation of victims of torture, who often suffered from various mental health problems, and, moreover, many victims abandoned the idea of taking action against security officers because of harassment and reprisals. Furthermore, in view of the fact that most victims of torture came from unprivileged areas, they were often persecuted.[80] ODTL recommended holding an inquiry into all the cases of allegations of torture and ill-treatment, to bring all perpetrators to justice and to rehabilitate and address the urgent needs of victims of torture and ill-treatment.[81]

35. Alkarama recommended conducting an independent investigation on the use of excessive force by law enforcement officers; and ensuring that they respect the Basic Principles on the Use of Force and Firearms.[82] JS10 recommended that all instances of excessive force committed by security forces while monitoring protests and demonstrations should be immediately and impartially investigated.[83]

36. JS3[84] and Alkarama[85] remained concerned about prison overcrowding. In early April 2016, the country reportedly accounted for 24,000 detainees — most of whom were placed in pretrial detention — even though total capacity was 16,000.[86] JS3[87] and Alkarama[88] recommended putting an end to prison overcrowding, namely by adopting alternative measures to pretrial detention. SA recommended Tunisia to stop the abuse of prisoners and ensure their right to fair treatment during all procedural and judicial stages, in accordance with the Tunisian Constitution and international treaties.[89]

Administration of justice, including impunity, and the rule of law[90]

37. The Association of Tunisian Magistrates (ATM) expressed concern at the reform of the judicial system, the revision of the laws concerning the status of judges, the implementation of transitional justice and the fight against impunity. The Association indicated that the State has not enacted the basic law for judges, which guarantees the principle of the independence of judges in accordance with international standards and, inter alia, does not guarantee them adequate remuneration.[91] HRW noted that Tunisian authorities have not yet undertaken to revise the law on the statute of the Magistrates, despite accepting a recommendation on it during the 2012 UPR review.[92] ATM recommended revising the law for the budget allocated to the justice system to guarantee administrative and financial autonomy of all courts, with a view to improve the quality of the judiciary.[93]

38. HRW indicated that Tunisia supported a recommendation to reform the judicial system to establish an independent judicial power in accordance with international standards, and ensure the existence of the rule of law and justice.[94] Alkarama identified a lack of impartiality of the judiciary, which is reflected in the lack of independent investigations and prosecutions when allegations of torture are made to public prosecutors by detainees presented before them.[95] ATM recommended speeding up the enactment of a law regulating public prosecution and ensuring magistrates independence from the Executive in accordance with the Constitution and international standards.[96]

39. Alkarama[97] and HRW[98] indicated that on 24 December 2013 the National Constituent Assembly passed the Law on Establishing and Organizing Transitional Justice, which created the Truth and Dignity Commission to shed light on serious human rights violations committed between 1955 and 2013. Alkarama stated that this transitional justice process was not accompanied by a security sector reform, leading to a return to past

practices such as arbitrary detention, torture, and police violence, especially in the fight against terrorism. [99] JS6 recommended that the Tunisian government improve the transitional justice process to protect truth, justice, reparation, and reconciliation.[100] HRW recommended ensuring full support for the work of the Truth and Dignity Commission.[101]

40. JS6 noted with regret the decision to transfer the cases of President Ben Ali and of politicians, former officials, and security forces operating under his regime to military courts that did not guarantee the right to a fair trial and the right to be tried within a reasonable time.[102] HRW noted that although ex-President Ben Ali's security forces used torture extensively, the authorities have failed in the five years since his overthrow to investigate or hold anyone accountable for the vast majority of torture cases.[103]

41. HRW recommended Tunisia to ensure accountability for grave human rights abuses covering the widespread crimes committed during the 23 years of the Ben Ali era.[104] JS4 recommended Tunisia to implement all measures to combat impunity, initiate proceedings against perpetrators of human rights violations and provide compensation for victims.[105] JS3[106] and ODTL[107] made similar recommendations.

42. ATM recommended revising the law for the budget allocated to the justice system to guarantee administrative and financial autonomy of all courts, with a view to improving the quality of the judiciary; and reviewing the infrastructure of the Courts, providing efficient logistical equipment and enabling safety measures for Courts headquarters.[108]

Fundamental freedoms and the right to participate in public and political life[109]

43. JS5 noted that freedom of conscience remained a social taboo in Tunisia, both for reasons of cultural heritage or education and as the normal and expected result of the religious edicts or "takfir fatwas" that had been issued on a massive scale over the past few years.[110]

44. ADF stated that despite the constitutional protection of the right to freedom of thought, conscience and religion introduced in 2014, Christians and other religious minorities continue to be discriminated against and prosecuted in Tunisia. Discrimination against Christians and other religious minorities is deeply rooted in government policy and in societal views. [111] ADF recommended that Tunisia take steps to combat Islamic extremism; protect religious minorities from persecution and discrimination; take steps to accommodate interreligious dialogue; and ensure that parents' right to choose education for their children and the right to educate their children in accordance with their conviction are duly respected.[112]

45. JS10 recommended ensuring that human rights defenders are able to carry out their legitimate activities without fear or undue hindrance, and that all detained human rights defenders including journalists and bloggers, be unconditionally and immediately released. Their cases should be reviewed to prevent further harassment.[113]

46. SA recommended enacting a law that protect human rights defenders while carrying out their activities, without any discrimination and with guarantees of non-interference in their private life and access to courts to exercise the right to remedy.[114] JS6 recommended that the Government protect human rights defenders from death threats, physical aggression, smear campaigns, judicial harassment[115] and other violations of the Declaration on Defenders of Human Rights, and recommended that the Government conduct prompt and transparent investigations into these violations and administer justice accordingly.[116]

47. HRW stated that the Criminal Code, the Code of Military Justice and the Telecommunications Act still contain articles that impose prison terms as a punishment for speech offences[117] and recommended that the Parliament eliminate the remaining repressive laws and provisions, such as articles criminalizing defamation. [118] JS10 made similar

recommendations,[119] and also recommended that all civil society organizations that had been arbitrarily suspended be immediately reinstated. Suspensions of civil society organizations should follow article 33 of Decree-Law 2011-88, which dictates that associations may only be suspended or dissolved following a judicial decision.[120] ODTL recommended taking the necessary measures to remove the administration's power to prevent and withdraw the right to demonstrate.[121]

48. Article 19 recommended that the definition of a journalist in the new Press Code should be in conformity with international standards and that the criminal sanctions against journalists in the new Code should be replaced by appropriate civil provisions.[122]

49. JS10 welcomed Tunisia signing the Arab Declaration on Media Freedom on 26 August 2016,[123] but noted that on several occasions, security forces have intimidated and harassed journalists for covering terrorist attacks or anti-government protests.[124]

50. RSF recommended Tunisia to: adopt legislation on the print, broadcast and online media that conforms to the 2014 Constitution, Tunisia's international obligations, and civil society's recommendations; stop using the Criminal Code or the anti-terrorism laws to prosecute journalists for press offences and instead only use the provisions of Decree-Law No. 2011-115 on press freedom; proceed with the creation of a mixed commission of enquiry, as announced in September 2015, into the September 2014 disappearance of two Tunisian journalists in a neighbouring country and shed all possible light on their fate.[125]

51. JS6 recommended that the Tunisian Government guarantee the right to information, freedom of expression and freedom of press, and relevant provisions of the 2014 Constitution and the Media Act.[126] JS6 also recommended that the Government adopt additional protections for activists, journalists, and artists who are targets for violence and who face harassment under the outdated criminal code.[127] JS10 made similar recommendations.[128]

52. CC recommended that Tunisia implement the legal framework of the constitutional authority regulating the audiovisual media sector and introduce legal measures to sanction violence committed against journalists.[129] ODTL made similar recommendations.[130]

53. ODTL estimated that over 50,000 citizens were subjected to border procedures, including inspections and questioning that could take many hours each time. ODTL recommended taking the necessary measures to lift all restrictions limiting freedom of movement.[131]

54. CC recommended that Tunisia grant access to the exercise of voting rights of vulnerable groups.[132]

55. Freemuse noted that, despite artistic freedom is guaranteed by Article 42 of the Constitution, artists are often exposed to threats, assaults, prosecution and imprisonment.[133] Tunisia's support to recommendations 114.58, 114.59 and 115.4 has not prevented State and non-State actors to limit artistic expression.[134] Freemuse recommended taking measures to ensure that the Penal Code, other regulations and arbitrary practices are not used to quell artistic expressions critical of the police and other aspects of society. Freemuse also recommended that criminal defamation laws be abolished and replaced, where necessary, with appropriate civil defamation laws.[135]

Prohibition of all forms of slavery[136]

56. JS4 noted that the practice of human trafficking is a significant issue within Tunisia[137] and that Tunisia accepted a recommendation related to taking measures with respect to human trafficking.[138]

Right to privacy and family life[139]

57. PI recommended Tunisia to review all laws that regulate surveillance or otherwise impact on the right to privacy of individuals to ensure they are compliant with international human rights law.[140]

58. JS4 recommended setting up a comprehensive strategy to eliminate discrimination against women that still exists in the national legislation, in particular concerning marriage.[141]

59. JS1[142] and JS5[143] said that Tunisian women were allowed to marry only Muslim men; moreover, where a Tunisian woman married a non-Muslim outside Tunisian territory, there was difficulty in getting the marriage recognized. JS1 recommended that Tunisia grant women the right to transmit their nationality to their foreign husbands, on an equal footing with men.[144] JS6 recommended increasing the decision-making power of women by repealing the 1973 marriage prohibition on Tunisian Muslims seeking to marry non-Muslims.[145]

60. JS1 said that the Tunisian Criminal Code criminalized all extramarital relations, characterizing them as crimes of adultery punishable by 5 years' imprisonment. Along the same lines, all sexual relations in private between consenting adults of the same sex were criminalized and punishable by a prison term of up to 3 years.[146]

61. JS7 said that the situation of women heads of single-parent families had deteriorated overall in terms of social and psychological care after the 2011 revolution.[147]

3. Economic, Social and Cultural Rights

Right to work and to just and favourable conditions of work[148]

62. SA recommended guaranteeing the right to work and equality of all workers in the public sector, and ensuring human dignity for them, without any discrimination on sexual identity or gender.[149]

Right to an adequate standard of living[150]

63. JS7 recommended putting in place programmes to combat poverty and precariousness by strengthening projects for the economic empowerment of women, particularly vulnerable women.[151]

Right to education[152]

64. The Good Group recommended Tunisia to create a national action plan for human rights education in partnership with students, teachers, college and university faculty and administrators; and develop a national human rights curriculum for elementary and high school based on the Convention on the Rights of the Child and the Universal Declaration of Human Rights.[153]

4. Rights of specific persons or groups

Women[154]

65. JS1 said that Tunisia, a pioneer in the promotion of the status of women in the Arab world, possessed a wide array of laws for the protection of women's rights.[155] HRW made a similar statement.[156]

66. JS4[157] and JS5[158] noted that violence against women remains a widespread problem in Tunisia. JS4 stated that very few women victims of violence in Tunisia report the

violence to the authorities. Domestic violence and rape are also underreported due to social and cultural pressures, including concerns to protect the image and reputation of the victim's family, and the fear of ending up homeless. Police often refuse to intervene when women ask for help, viewing domestic violence as a private matter.[159] AI recommended adopting a comprehensive law on violence against women and girls that includes the provision of protection orders and appropriate penalties, and compensation for the victims of such violence.[160] HRW made a similar recommendation.[161]

67. JS4 also stated that no specific legislation addressing violence against women exists in Tunisia. Instead, violence against women is covered under generally applicable provisions of the Penal Code, and rarely enforced in cases of violence against women such as domestic violence and rape. Marital rape is not a crime under the Penal Code, which classifies rape as a crime against morality, rather than as a crime against persons.[162] JS4 recommended Tunisia to: amend the Penal and Personal Status Codes to criminalize marital rape; abolish Penal Code provisions that allow a perpetrator of sexual violence to escape prosecution for marrying his victim; create a legal framework and provide state financial support for shelters and housing to female victims of violence.[163] JS1 made similar remarks and recommendations.[164]

68. JS7 recommended putting in place structures to provide women victims of violence with comprehensive medical, legal, psychological, social and economic assistance for their support and social reintegration and implementing programmes of psychological and social care for the perpetrators of violence in order to prevent their reoffending.[165]

69. JS1 said that single women suffered from a high level of social stigmatization and discrimination, not least as concerned their right of access to abortion.[166] JS7 recommended guaranteeing single mothers access to basic rights; promoting their economic and social integration; and improving the legal framework so as to provide better protection for mothers and their children.[167]

70. JS1 said that prostitutes were also subject to a high level of social stigmatization and were more susceptible to being victims of violence. JS1 recommended implementing the recommendations of the Committee on the Elimination of Discrimination against Women; adopting as soon as possible the comprehensive law on violence against women and girls; and establishing a compulsory programme of special education to promote the elimination of violence against women.[168]

71. JS6 commended Tunisia for acceptting recommendations calling for the elimination of discrimination against women,[169] suggested harmonizing national legislation with the Convention on the Elimination of All Forms of Discrimination against Women[170] and international standards by revising proviisions of the Personal Statute Law on dowry, inheritance and child custody awards,[1711] by amending the 2016 draft organic law on violence against women to include the explicit criminalization of marital rape,[172] and by guaranteeing the right to sexual and reprodluctive health.[173]

72. HRW noted that the 2014 Constitution provides improved protection for women's rights and obligates Tunisia to work towarrds achieving gender parity in elected assemblies during national, regional and municipal ellections. HRW also indicated that Tunisia noted all recommendations related to gender parity in inheritance matters during its 2012 UPR review.[174] HRW recommended reforming tthe personal status code to eliminate all forms of discrimination between men and women..[175] JS6 recommended prioritizing the economic and political inclusion of women.[176]

73. Freemuse stated that women artists are singled out and targeted for their gender, often by non-state actors. Freemuse recommended putting in place a comprehensive strategy to eliminate threats, patriarchal attitudes and negative stereotypes of women artists.[177]

Children[178]

74. JS7 noted that, in a country where there was still a high rate of abandonment of children, the birth of children as a result of extramarital relations was condemned by religion and by the country's practices and customs. Children who were abandoned or lacked family support in Tunisia continued to be stigmatized and were not provided with appropriate care enabling them to have the same opportunities or enjoy the same rights as their fellow citizens.[179]

Persons with disabilities[180]

75. JS3 recommended the integration of young people with disabilities in all spheres of life, especially regarding education, health, employment, culture and entertainment.[181]

76. JS8 recommended guaranteeing that persons with mental disabilities were exempt from criminal responsibility, in line with international standards and Tunisian law.[182]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

ADF	ADF International, Geneva (Switzerland);
AI	Amnesty International, London (United Kingdom of Great Britain and Northern Ireland);
Alkarama	Alkarama, Geneva (Switzerland);
Article 19	Article 19, London (United Kingdom of Great Britain and Northern Ireland);
ATM	Association of Tunisian Magistrates, Tunis (Tunisia);
SA	Association Shams, Tunis (Tunisia);
Freemuse	Freemuse, Copenhagen (Denmark);
GG	The Good Group, Honolulu (United States of America);
HRW	Human Rights Watch, Geneva (Switzerland);
ODLT	Observatoire des Droits et Libertes en Tunisie, Tunis (Tunisie);
PI	Privacy International, London (United Kingdom of Great Britain and Northern Ireland);
RSF – RWB	Reporters Without Borders, Paris (France);
CC	The Carter Centre, Atlanta, (United States of America).

Joint submissions:

JS1	**Joint submission 1 submitted by**: 1.Association Tunisienne de la Santé et de la Reproduction (ATSR) 2.Amnesty International / Tunisie 3.DAMJ, l'Association Tunisienne pour la justice et l'égalité 4.Association Tunisienne de Prévention Positive (ATP+) 5.Association Tunisienne de Lutte contre les MST/SIDA (ATL) 6.Tunisian Forum for Youth Empowerment (TFYE) 7.Groupe de Plaidoyer des Droits des Personnes Handicapées GPDPH 8.Association Tunisienne des Compétences Féminines 9.Association Tunisienne des Sages-Femmes (ATSF);
JS2	**Joint submission 2 submitted by**: Damj, l'association tunisienne pour la justice et l'égalité – L'initiative Mawjoudin pour l'égalité – L'association Shams – KELMTY – L'association Chouf - Réseau-Euro-Méditerranéen des Droits Humains – Association Tunisienne des Femmes Démocrates (ATFD) – Comité Pour le Respect des Libertés et des Droits de l'Homme en Tunisie (CRLDHT) - Association Beity –

	Association De Défense Des Libertés Individuelles (ADLI) – L'Organisation Tunisienne de la Justice Sociale et de la Solidarité (OTJUSS) – Association pour la promotion du Droit à la Différence (ADD) – L'organisation Kistas Pour Le Développement de la Démocratie et la Défense des Droits de l'Homme (KISTAS) – l'Association Tunisienne de Prévention Positive (ATP+) – Groupe De Plaidoyer Des Personnes Handicapées – Le groupe Tawhida Ben Cheikh – Réseau Dostourna – Coexistence with Alternative Language and Action Movement (CALAM) – Free Sight Association;
JS3	**Joint submission 3 submitted by**: Amnesty International Tunisian branch – Tunisian reproductive health – Tunisian Democratic Women – Advocate for people with disabilities – national epicenter of Tunisian Journalists – Tunisia Press Freedom – Tunisian learning difficulties – Path of development of our country – Afaq Association of Homeland security and Customs – Dignity of the human voice – Institute for democracy and development – Tunisian Center for community Media – Identity resistance – Tunisia for the support of minorities – Women – Energies of young leaders in Tunisia – The will of the citizen – Defense of human rights – Together Merge, the Tunisian Association for justice and equality – Tunisian Academy of Sciences business Administration – Social justice and sustainable development – Youths without borders – Tunisian Media alternative;
JS4	**Joint submission 4 submitted by**: Advocates for Human Rights, Mobilising for Rights Associates;
JS5	**Joint submission 5 submitted by**: Coexistence Organisation, Ariana (Tunisia) Muslims for Progressive values, Los Aangeles (United States of America);
JS6	**Joint submission 6 submitted by**: Fédération internationale des ligues des droits de l'Homme (FIDH) Avocats Sans Frontières (ASF) Organisation Mondiale contre la Torture (OMCT) Doustourna (Tunisie) ADLI - Association de Défense des Libertés individuelles (Tunisie) DAMJ – L'association tunisienne pour la justice et l'égalité (Tunisie);
JS7	**Joint submission 7 submitted by**: Association Tunisienne des Villages d'Enfants SOS – Réseau Amen Enfance – Association Tunisienne de Prévention positive – Association Tunisienne de Lutte contre les Comportement à Risque;
JS8	**Joint submission 8 submitted by**: Coalition tunisienne contre la peine de mort, Ensemble contre la peine de mort;
JS9	**Joint submission 9 submitted by**: La Ligue Tunisienne pour la Défense des Droits de l'Homme (LTDH) L'association Tunisienne des Femmes Démocrates (ATFD) L'Association des Femmes Tunisiennes pour La Recherche sur le Développement (AFTURD) Le Forum Tunisien des Droits Économiques et Sociaux (FTDES) L'Union Générale des Travailleurs Tunisiens (UGTT) Le Comité Pour le Respect des Libertés et des Droits de l'Homme en Tunisie (CRLDHT) Association De Défense Des Libertés Individuelles (ADLI) Association Beity Association Tunisienne pour la Promotion du Droit à la Différence (ATPDD) UTOPIA L'Association Tawhida Ben Cheikh pour l'aide médicale La Coalition Pour Les Femmes De Tunisie Association Amal pour la femme et la famille Réseau Dostourna Association Citoyenneté et

	Liberté Djerba (ACL) Free Sight Association L'Organisation Tunisienne de la Justice Sociale et de la Solidarité (OTJUSS) L'Institut du Caire pour les Etudes de Droits de l'Homme Le réseau EuroMed pour les Droits de l'Homme;
JS10	**Joint submission 10 submitted by**: Civicus: World Alliance for Citizen Participation; The Movement of the Amazigh of Tunisia, Geneva (Switzerland).

[2] The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD;
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

[3] For relevant recommendations see A/HRC/21/5: paras. 114.16, 66, 67, 68, 69, 82, 95; 115.10, 13, 14; A/HRC/21/5/Add.1: 116.4, 7, 8, 9, 10, 11.

[4] JS9, Présentation pour l'Examen Périodique Universel de la Tunisie, page 10.

[5] JS8, Présentation pour l'Examen Périodique Universel de la Tunisie, page 4.

[6] JS8, Présentation pour l'Examen Périodique Universel de la Tunisie, page 4.

[7] JS3, Submission to the UPR of Tunisia, page 11.

[8] The Carter Center, Submission to the UPR of Tunisia, page 3.

[9] JS1, Submission to the UPR of Tunisia, page 3.

[10] JS9, Présentation pour l'Examen Périodique Universel de la Tunisie, page 12.

[11] ADF, Submission to the UPR of Tunisia, pages 4 and 5.

[12] Alkarama, Submission to the UPR of Tunisia, page 3.

[13] JS4, Submission to the UPR of Tunisia, page 10.

[14] JS5, Submission to the UPR of Tunisia, page 6.

[15] AI, Submission to the UPR of Tunisia, page 7.

[16] JS6, Submission to the UPR of Tunisia, pages 2, 3; *See also* recommendations 114.30 (Peru), 114.39 (Republic of Korea), 114.40 (Togo), 114.41 (Chile), 114.42 (Belgium), 114.43 (Morocco) in A/HRC/21/5.

[17] JS6, Submission to the UPR of Tunisia, pages 2, 3.

[18] See A/HRC/21/5: paras. 114.1, 2, 3, 4, 5, 6, 35, 51,54, 56, 61, 62, 71, 72, 73, 74, 75, 76, 78, 80, 81, 85; 115.3, 11, 12, 15; A/HRC/21/5/Add.1, para. 116.5.

[19] HRW, Submission to the UPR of Tunisia, page 2. See recommendations 114.73 (Germany) and 114.75 (Spain) in A/HRC/21/5.
[20] HRW, Submission to the UPR of Tunisia, page 1.
[21] HRW, Submission to the UPR of Tunisia, page 3.
[22] Article 19, Submission to the UPR for Tunisia, page 1.
[23] PI, Submission for the Universal Periodic Review of Tunisia, pages 4, 5 and 6.
[24] The Carter Center, Submission to the UPR of Tunisia, page 4.
[25] JS7, Submission to the UPR for Tunisia, page 12.
[26] AI, Submission to the UPR for Tunisia, page 7.
[27] The Carter Center, Submission to the UPR of Tunisia, page 1.
[28] Alkarama, Submission to the UPR of Tunisia, page 2.
[29] A/HRC/21/5: paras 114.91, 93; 117.1, 2.
[30] The Carter Center, Submission to the UPR of Tunisia, page 4.
[31] JS3, Submission to the UPR for Tunisia, page 4.
[32] JS3, Submission to the UPR for Tunisia, page 10.
[33] JS1, Submission to the UPR of Tunisia, page 9.
[34] JS1, Submission to the UPR of Tunisia, page 6.
[35] JS1, Submission to the UPR of Tunisia, page 3.
[36] JS2, Submission to the UPR of Tunisia, page 8.
[37] JS2, Submission to the UPR of Tunisia, page 6.
[38] JS10, Submission to the UPR of Tunisia, page 5.
[39] JS2, Submission to the UPR of Tunisia, page 6.
[40] HRW, Submission to the UPR of Tunisia, page 10.
[41] A/HRC/21/5, recommendations 117.1 (Spain) and 117.2 (Austria).
[42] JS2, Submission to the UPR for Tunisia, page 3.
[43] AI, Submission to the UPR of Tunisia, page 5.
[44] JS5, Submission to the UPR for Tunisia, page 6.
[45] SA, Submission to the UPR for Tunisia, page 1.
[46] JS2, Submission to the UPR for Tunisia, page 4.
[47] HRW, Submission to the UPR of Tunisia, page 10.
[48] AI, Submission to the UPR for Tunisia, page 8.
[49] JS6, Submission to the UPR of Tunisia, page 8.
[50] SA, Submission to the UPR for Tunisia, page 4.
[51] JS7, Submission to the UPR of Tunisia, page 11.
[52] See A/HRC/21/5: 114.70.
[53] JS1, Submission to the UPR of Tunisia, page 9.
[54] RSF, Submission to the UPR of Tunisia, pages 1 and 2.
[55] Article 19, Submission to the UPR for Tunisia, page 3.
[56] JS8, Submission for the Universal Periodic Review of Tunisia, page 3.
[57] PI, Submission for the Universal Periodic Review of Tunisia, pages 7 and 8.
[58] PI, Submission for the Universal Periodic Review of Tunisia, page 12.
[59] HRW, Submission to the UPR of Tunisia, pages 6 and 7.
[60] JS10, Submission to the UPR of Tunisia, page 4.
[61] A/HRC/21/5: paras 114.37, 38, 44-50, 52; A/HRC/21/5/Add.1: 116.6-11.
[62] JS3, Submission to the UPR of Tunisia, page 8.
[63] JS5, Submission to the UPR of Tunisia, page2.
[64] JS8, Submission for the Universal Periodic Review of Tunisia, page 3.
[65] AI, Submission to the UPR of Tunisia, page 1. AI made reference to recommendations 116.6-11 in A/HRC/21/5/Add.1.
[66] AI, Submission to the UPR of Tunisia, page 7.
[67] JS6, Submission to the UPR of Tunisia, page 7. *See* recommendations 116.6-11 in A/HRC/21/5/Add.1.
[68] JS6, Submission to the UPR of Tunisia, page 8-9. *See* recommendation 114.45 (Greece) in A/HRC/21/5.
[69] JS6, Submission to the UPR of Tunisia, pages 7, 8. *See also* recommendations 114.47 (Greece), 114.48 (Republic of Korea), 114.49 (Botswana), 114.50 (Ireland), 114.52 (Switzerland), 114.53

(Japan), as well as 114.51 (Morocco), 114.52 (Switzerland), 114.53 (Japan), 114.54 (United Kingdom), 115.9 (Austria), 115.10 (Sweden), 115.11 (Kyrgyzstan), 115.12 (Czech Republic), 115.13 (Sweden), specifically referenced in the submission. All recommendations in this note are in A/HRC/21/5.

[59] JS6, Submission to the UPR of Tunisia, page 8-9; *See also* recommendations 116.7 (Portugal), 116.8 (France, Ireland, Norway, Uruguay), 116.9 (Hungary), 116.10 (Belgium), 116.11(Spain) in A/HRC/21/5/Add.1.

[60] Alkarama, Submission to the UPR of Tunisia, page 2.

[61] JS3, Submission to the UPR of Tunisia, page 12.

[62] HRW, Submission to the UPR of Tunisia, page 8.

[63] AI, Submission to the UPR of Tunisia, page 4.

[64] ODTL, Submission to the UPR of Tunisia, page 3.

[65] AI, Submission to the UPR of Tunisia, page 7.

[66] HRW, Submission to the UPR of Tunisia, page 7.

[67] AI, Submission to the UPR of Tunisia, page 7.

[68] HRW, Submission to the UPR of Tunisia, page 8.

[69] ODTL, Submission to the UPR of Tunisia, page 3.

[70] ODTL, Submission to the UPR of Tunisia, page 5.

[71] Alkarama, Submission to the UPR of Tunisia, page 7.

[72] JS10, Submission to the UPR of Tunisia, page 13.

[73] JS3, Submission to the UPR for Tunisia, page 8.

[74] Alkarama, Submission to the UPR of Tunisia, page 4.

[75] Alkarama, Submission to the UPR of Tunisia, page 4.

[76] JS3, Submission to the UPR for Tunisia, page 11.

[77] Alkarama, Submission to the UPR of Tunisia, page 4.

[78] SA, Submission to the UPR for Tunisia, page 6.

[79] A/HRC/21/5, paras.114.26-34, 36, 39-43, 53, 79, 115.1, 2, 4-9.

[80] The Association of Tunisian Magistrates, Submission to the UPR of Tunisia, page 2.

[81] HRW, Submission to the UPR of Tunisia, page 2. See recommendation 114.28 (Kyrgyzstan) in A/HRC/21/5.

[82] The Association of Tunisian Magistrates, Submission to the UPR of Tunisia, page 4.

[83] HRW, Submission to the UPR of Tunisia, page 2. See recommendation 115.1 (Sudan) in A/HRC/21/5.

[84] Alkarama, Submission to the UPR of Tunisia, page 4 and 5. Recommendations 114.26 (Mexico, Azerbaijan, Slovakia, United Arab Emirates, Peru, Turkey), 114.28 (Kyrgyzstan), 114.29 (Malaysia), 114.31 (United Kingdom) 114.32 (Belgium) in A/HRC/21/5.

[85] The Association of Tunisian Magistrates, Submission to the UPR of Tunisia, page 4.

[86] Alkarama, Submission to the UPR of Tunisia, page 2.

[87] HRW, Submission to the UPR of Tunisia, page 2. See recommendation 114.40 (Togo) in A/HRC/21/5.

[88] Alkarama, Submission to the UPR of Tunisia, page 2.

[89] JS6, Submission to the UPR of Tunisia, page 2-3.

[90] HRW, Submission to the UPR of Tunisia, page 5.

[91] JS6, Submission to the UPR of Tunisia, page 2.

[92] HRW, Submission to the UPR of Tunisia, page 6.

[93] HRW, Submission to the UPR of Tunisia, page 6.

[94] JS4, Submission to the UPR of Tunisia, page 10. JS4 made reference to recommendation 114.42 (Belgium) in A/HRC/21/5.

[95] JS3, Submission to the UPR for Tunisia, page 10.

[96] ODTL, Submission to the UPR of Tunisia, page 5.

[97] The Association of Tunisian Magistrates, Submission to the UPR of Tunisia, page 4.

[98] A/HRC/21/5, paras.114.55, 57-60, 63, 64, 65, 117.2.

[99] JS5, Submission to the UPR for Tunisia, page 5.

[100] ADF, Submission to the UPR of Tunisia, page 1.

[101] ADF, Submission to the UPR of Tunisia, pages 4 and 5.

[102] JS10, Submission to the UPR of Tunisia, page 12.

[103] SA, Submission to the UPR for Tunisia, page 7.

[114] JS6, Submission to the UPR of Tunisia, page 5.
[115] JS6, Submission to the UPR of Tunisia, page 5-6.
[116] HRW, Submission to the UPR for Tunisia, page 3.
[117] HRW, Submission to the UPR for Tunisia, page 4. See recommendation 117.3 (Czech Republic) in A/HRC/21/5.
[118] JS10, Submission to the UPR of Tunisia, page 12.
[119] JS10, Submission to the UPR of Tunisia, page 11.
[120] CIDTL, Submission to the UPR of Tunisia, page 6.
[121] Article 19, Submission to the UPR for Tunisia, page 5.
[122] JS10, Submission to the UPR of Tunisia, page 7.
[123] JS10, Submission to the UPR of Tunisia, page 6.
[124] RSF, Submission to the UPR of Tunisia, page 3.
[125] JS6, Submission to the UPR of Tunisia, page 3-4. See also accepted recommendations 114.73,115.14.
[126] JS6, Submission to the UPR of Tunisia, page 3-4.
[127] JS10, Submission to the UPR of Tunisia, page 13.
[128] The Carter Center, Submission to the UPR of Tunisia, page 5.
[129] CIDTL, Submission to the UPR of Tunisia, pages 5 and 6.
[130] CIDTL, Submission to the UPR of Tunisia, pages 3 and 6.
[131] The Carter Center, Submission to the UPR of Tunisia, page 5.
[132] Freemuse, Submission to the UPR of Tunisia, pages 2 and 3.
[133] Freemuse, Submission to the UPR of Tunisia, pages 4-6. Recommendation 114.70 (Sweden), recommendation 114. 59 (USA), recommendation 115.4 (Canada) in A/HRC/21/5.
[134] Freemuse, Submission to the UPR of Tunisia, page 7.
[135] See A/HRC/21/5, para 114.8.
[136] JS4, Submission to the UPR of Tunisia, page 2.
[137] JS4, Submission to the UPR of Tunisia, page 8. Recommendation 116.12 (Japan) in A/HRC/21/5.
[138] See A/HRC/21/5 paragraphs 116.1-4.
[139] FI, Submission for the Universal Periodic Review of Tunisia, page 12.
[140] JS4, Submission to the UPR of Tunisia, page 10.
[141] JS1, Submission to the UPR of Tunisia, page 4.
[142] JS5, Submission to the UPR for Tunisia, page 7.
[143] JS1, Submission to the UPR of Tunisia, page 4.
[144] JS6, Submission to the UPR of Tunisia, page 9.
[145] JS1, Submission to the UPR of Tunisia, page 4.
[146] JS7, Submission to the UPR of Tunisia, page 9.
[147] A/HRC/21/5 paragraph 114.95.
[148] SA, Submission to the UPR for Tunisia, page 6.
[149] For relevant recommendations see A/HRC/21/5, paras. 114.13,63 and 87.
[150] JS7, Submission to the UPR of Tunisia, page 13.
[151] A/HRC/21/5 paragraphs 114.2, 19, 21, 24, 70, 84, 90, 91, 115.15.
[152] CRL, Submission to the UPR of Tunisia, page 3.
[153] A/HRC/21/5 paragraphs 114.1-14, 24, 37, 70, 116.1-8, 12.
[154] JS1, Submission to the UPR of Tunisia, page 9.
[155] HRW, Submission to the UPR for Tunisia, page 9.
[156] JS4, Submission to the UPR of Tunisia, pages 2, 4 and 5.
[157] JS5, Submission to the UPR for Tunisia, page 6.
[158] JS4, Submission to the UPR of Tunisia, page 5.
[159] AI, Submission to the UPR of Tunisia, page 8.
[160] HRW, Submission to the UPR for Tunisia, page 9.
[161] JS4, Submission to the UPR of Tunisia, page 1.
[162] JS4, Submission to the UPR of Tunisia, page 9.
[163] JS1, Submission to the UPR of Tunisia, page 5 and 6.
[164] JS7, Submission to the UPR of Tunisia, page 13.
[165] JS1, Submission to the UPR of Tunisia, page 10.
[166] JS7, Submission to the UPR of Tunisia, page 13 et 14.
[167] JS1, Submission to the UPR of Tunisia, page 10.

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